IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH

AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2063 of 2006

Dated: 13th June, 2006

Between:

M/s Sri Sarada Enterprises, rep. by its

Propreitor P.S.Patnaik.

.. Petitioner

and

The A.P. Social Welfare Residential

Educational Institutions Society,

rep. by its Secretary & others.

.. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

ORDER:

This writ petition is filed seeking Mandamus declaring the proceedings Rc.No.423/2005-2006 dated 13.9.2005 issued by the second respondent in blacklisting the petitioner for three years and also forfeiting the EMD already deposited for Rs.1,00,000/- as arbitrary and illegal and violative of principles of natural justice.

The only contention of the petitioner is that before passing the impugned order, which resulted in civil consequences, no effective notice was given to him, therefore, the same is liable to be set aside.

A detailed counter affidavit has been filed by the respondents denying the allegations and inter alia stating that the petitioner has not responded to any of the reminders for supply of food provisions to the eleven residential schools in Visakhapatnam district, therefore, the respondents sent the proceedings dated 20.8.2005 by registered post with acknowledgement due, duly informing the petitioner that the EMD paid by it would be forfeited in case the supplies were not effected on or before 25.8.2005.

It seems that the petitioner informed the authorities that he had acute spinal problem etc. necessitating him to go to Kerala and undergo treatment and for this reason, the he did not attend to the contract work properly.

Be that as it may, the respondents did not serve any effective notice on the petitioner except stating that the various reminders sent to the petitioner were returned as ‘addressee absent’. Naturally the said

reminders had to be returned as the petitioner, due to his spinal problem, taking treatment in Kerala during that period.

In view of the above, I am of the opinion that the impugned order is violative of principles of natural justice and therefore, the same is liable to be set aside and

accordingly set aside. However, the respondents are at liberty to reconsider the matter, if so advised, after giving an effective notice to the petitioner and after hearing him personally, if necessary.

With the above direction, the writ petition is disposed of. No order as to costs.

_____

C.V.RAMULU, J

Date: 13.6.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2063 of 2006

13.6.2006